IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1471 (S/S) of 2004

1. Safdar Ali, son of Sri Bahadur Ali, R/o Mohalla Shayam Nagar, Meerut City, District – Meerut.
2. Mahaveer Singh, S/o late Sri Kacheru Singh, R/o Village Barkali Post Barkali, District – Muzaffarnagar.
3. Jangjeet Verma, S/o late Sri Raja Ram Verma, r/o Village Darjipur Tehsil Sadar, District – Sultanpur.
4. Deepak Kumar, S/o Sri Balak Ram, R/o Village Nagli Abdulla, Post Machhra, Tehsil – Mawana, District – Meerut.
5. Ram Khelawan, S/o late Sri Raja Ram, R/o Village – Dakoli Tehsil Bilgram, District – Hardoi.

.....Petitioners

Versus

1. Chief Election Officer, Election Department, State of Uttaranchal, Dehradun.
2 District Election Officer, District – Haridwar.
3. Chief Election Officer, Election Department, Anubhag 1, U.P. Lucknow,
4. Advisory Committee, U.P. Reorganization Act, through its Chairman Anubhag 1, Lucknow
5. State of Uttaranchal, through Secretary Election, Uttaranchal Shashan, District – Dehradun.
6. State of U.P. through Secretary Election, U.P. Government, Lucknow.
7. Union of India, through Secretary, Ministry of Personal Public Grievance, New Delhi.

...Opposite Parties.

Hon'ble M.M. Ghildiyal, J

Heard Sri Sharad Sharma, learned counsel for the petitioners, Smt. Anjali Bhargav learned Standing Counsel for Union of India – respondents no. 4 and 7, learned Standing Counsel for State of Uttaranchal respondent no.s 1 to 3, and Smt. Beena Pandey, learned Standing Counsel for State of U.P. respondents no. 5 and 6.

Learned counsel for the parties are agreed that the writ petition may be decided at its admission stage itself.

Petitioners, who are working as Clerks in Election Department, have been appointed in between 1977 to 1983 prior to creation of State of Uttaranchal. Petitioners have opted for State of U.P. on 3.10.2000. The options of the petitioners have yet not been decided, consequently the petitioners have filed the present writ petition with a prayer to direct the respondents to take appropriate decision on the petitioners' option exercised by the petitioners on 3.10.2000 under Section 73 of Reorganisation Act. Petitioners have also made representations to the Chief Election Officer, Election Department, State of Uttaranchal, Dehradun – respondent no. 1 on 28.2.2003 which is annexure no. 11 to the Writ Petition.

The contention of the petitioners is that the respondents may be directed to decide their representations for option in accordance with law.

In view of the facts and circumstances stated above, I think it just and proper to direct the Chief Election Officer, Election Department, State of

Uttaranchal, Dehradun – respondent no. 1 to forward the representations of the petitioners, in accordance with law, to the Advisory Committee – respondent no. 4, within a period of six weeks from today. Thereafter, respondent no. 4 shall take decision on its part and send the same to respondent no. 7, who shall decide the dispute in accordance with provision of U.P. Reorganisation Act, 2000 within two months from the date of receipt of recommendation of Advisory Committee.

With this direction the writ petition is disposed of.

(M.M. Ghildiyal, J.)

December 17, 2004
S.K.Sharma